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P. C. S. (XXX-XX-7010)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CIVIL ACTION NO. 09-cv-1849

VERSUS

JUDGE WALTER

U.S. COMMISSIONER SOCIAL
SECURITY ADMINISTRATION

MAGISTRATE JUDGE HORNSBY

JUDGMENT

Before the Court is an appeal of a denial of benefits by the Social Security Commisioner. (Record Document 1). The complaint was referred to the Magistrate Judge for Report and Recommendation.

This Court has thoroughly reviewed the Report and Recommendation of the Magistrate Judge (Record Document 22), the objections by the Plaintiff (Record Document 23), applicable case law, and pertinent regulations in this case and finds that the ALJ's written decision, giving findings of fact and the reasons for his decision to deny the claim, controls over statements made at the administrative hearing in this matter to the extent Plaintiff finds there is a conflict. As stated by the Magistrate Judge, the ALJ's determination of RFC was based on substantial evidence in the record, taken as a whole. (Record Document 22).

Accordingly;

The Report and Recommendation of the Magistrate Judge (Record Document 22) having been considered, together with the written objections thereto filed with this Court,

and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS ORDERED that the Commissioner's decision to deny benefits is affirmed and Plaintiff's complaint is dismissed without prejudice.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 26th day
of September, 2011.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE